

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
Clerk's Office  
USDC, Mass.  
Date 12-3-04  
By [Signature]  
Deputy Clerk

CHARLES WILKERSON,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS  
and DANIEL F. CONLEY,

Respondents.

Civil Action No. 04-11771-RGS

**RESPONDENTS' MOTION TO DISMISS**

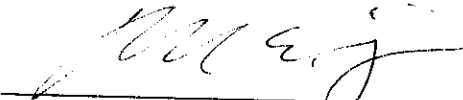
The Respondents, the Commonwealth of Massachusetts and Suffolk District Attorney Daniel F. Conley (together, the "Respondents"), hereby respectfully move that the Habeas Corpus Petition (the "Petition") filed by Petitioner Charles Wilkerson (the "Petitioner") be dismissed with prejudice in its entirety. The Petition is improper, because it does not comply with applicable timing requirements, it challenges a state conviction for which the Petitioner is not currently in custody, and it names inappropriate parties as respondents.

In further support of this Motion, the Respondents rely on and incorporate their Memorandum of Law filed herewith.

WHEREFORE, the Respondents request that this Honorable Court allow this Motion, dismiss the Petition with prejudice in its entirety, and grant such other relief as is just and proper under the circumstances.

Respectfully submitted,

THOMAS F. REILLY  
Attorney General

  
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Randall E. Ravitz (BBO # 643381)  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200, ext. 2852

Dated: December 3, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served on December 3, 2004, by first class mail, postage prepaid, upon:

Charles Wilkerson  
Reg. No. 22166-038  
U.S.P. Lewisburg  
P.O. Box 1000  
Lewisburg, PA 17837

pro se

  
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Randall E. Ravitz